IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR
S.B. Civil Writ Petition No.9290/07
Bhateri & Ors. Vs. Smt. Mali & Ors.

Date of order : 19/11/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri M.S. Yadav for the petitioner.

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Heard learned counsel for the petitioner.

The petitioner has challenged the order dated 4.8.2007 passed by the Board of Revenue whereby it has upheld the order dated 27.9.2002 passed by the Revenue Appellate Authority, Sikar in appeal of the respondents No.1 & 2. That appeal was filed by the respondents against the order dated 27.9.2000 passed by Additional District Collector, Jhunjhunu who rejected their application for cancellation of the allotment made in favour of the petitioners by way of regularization under

Rule 20 of the Rajasthan Land Revenue (Allotment of Land for Agricultural Purposes) Rules, 1970.

Learned counsel for the petitioner has while referring to the proceedings of the Allotment Advisory Committee dated 21.5.1999 argued that the petitioners were the sole applicants who claimed regularization of the land on the basis of possession and that respondents No.1 & 2 had no claim about the said land. In fact, respondent No.2 Jaidayal has gone to adoption to some other person and therefore he could not claim any right even by inheritance from his natural father Matadeen. The Revenue Appellate Authority has erred in law in remanding the matter to Allotment Advisory Committed for fresh consideration. It was argued that the petitioners did not make any concealment or misrepresentation nor did

they secure the allotment by way of any fraudulent act. The invocation of Rule 14 (4) was wholly uncalled for.

Having heard the learned counsel for the petitioner, I find that the learned Revenue Appellate Authority and the Board of Revenue have come to hold that the allotment was recommended to be made by the Allotment Advisory Committed in consideration of the fact that as per entries made in the revenue record in Samwat 2025 in which the land was stated to be in possession of Matadeen, since deceased, who was father of deceased Hanuman Prasad, husband of petitioner No.1 and father of petitioners No.2 & 3 but Matadeen was also father of Pradeep who was husband of respondent No.1 and father of respondent No.2 Jaidayal. The claim of the other sons/legal heirs ought to be considered by the Allotment Advisory

Committee and allotment should not be uniformly made in favour of the petitioners. On perusal of both the judgments, I do not find that the Revenue Appellate Authority and the Board of Revenue have passed their judgments on irrelevant or extraneous consideration. Whatever arguments which the petitioners want to raise in support of the present petition as to the entitlement of the respondents and what would be the effect of having gone in adoption would obviously be opened to him to raise before the Allotment Advisory Committee and it is expected that such committee shall consider them in accordance with law.

I do find any merit in this writ petition. The writ petition is dismissed with above observations.

(MOHAMMAD RAFIQ), J.

RS/